

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF NEW YORK

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4 UNITED STATES OF AMERICA, : 09-CR-466(BMC)

5 Plaintiff, : United States Courthouse

6 -against- : Brooklyn, New York

7 JOAQUIN ARCHIVALDO GUZMAN
8 LOERA, :
9 Defendant. : January 23, 2019

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12 EXCERPT OF TRANSCRIPT OF TRIAL
13 BEFORE THE HONORABLE BRIAN M. COGAN
14 UNITED STATES DISTRICT JUDGE, and a jury.

1 (The following occurred at sidebar.)

2 MS. LISKAMM: Your Honor, these are two individuals
3 that Mr. Balarezo is going to want to go into that were
4 arrested in relation to the journalist Javier Valdez murder
5 that we talked about extensively yesterday.

6 Some backstory on this. Defense counsel and I had
7 conversations before the witness got on the stand in which we
8 discussed Javier Valdez's murder. Defense counsel assured me
9 that he wouldn't go into anything beyond, Did you kill him,
10 yes or no, and that was it. As your Honor recalls from
11 yesterday, there was extensive cross-examination about this
12 murder, which I, in good faith, believed defense counsel had
13 forgotten about the prior agreement.

14 This morning, despite that, he's come in and said
15 that he wants to ask additional questions about this murder.
16 I don't see the relevance of this, your Honor, and it calls
17 into question all the assurances that we're getting from
18 defense counsel with respect to upcoming witnesses, whether or
19 not they will call them for the defense case.

20 THE COURT: It's a big trial. People forget.

21 Come around and respond, please.

22 MR. BALAREZO: Ms. Liskamm is correct. I think
23 several weeks ago she mentioned -- I don't know the date, but
24 it was not yesterday or the day before -- that she wanted to
25 file a motion in limine. And I believe -- I accept her

1 representation that I said I wouldn't go into beyond the
2 aspect of the murder. When I went into it yesterday, I did
3 not recall that we made that agreement. She did not bring it
4 to my attention until after I finished.

5 In going over my notes yesterday, I just have three
6 or four questions involving these two individuals. It is
7 relevant to that particular murder. It's been discussed.
8 This witness has already said that Mr. Guzman's sons are the
9 ones responsible for murder, but I have information otherwise;
10 again, that he and/or his son are responsible for that murder.

11 I'll move on after three or four questions.

12 MS. LISKAMM: This witness was in custody when the
13 journalist was killed, if your Honor recalls.

14 THE COURT: So, what's the point?

15 MS. LISKAMM: I'm objecting based on relevance.

16 MR. BALAREZO: It goes to his credibility. He has
17 said that it was Mr. Guzman's sons that had this journalist
18 killed.

19 THE COURT: He has said that Mr. Guzman told him it
20 was his sons that had this person killed.

21 MR. BALAREZO: These two individuals that I just
22 asked, El Kilo and El Koala, my understanding is they were
23 either his workers or sicarios or his son's or Mini Lic's
24 sicarios, and those are the two individuals that, as
25 Ms. Liskamm has said, were arrested for the murder of the

1 journalist, which means that they have a link to this witness
2 and/or his son.

3 THE COURT: He didn't say that the Defendant's
4 people did it. He said the Defendant told him that the
5 Defendant's people did it. So, I'm not seeing the
6 inconsistency.

7 This is not the first instance where we've had a
8 witness attribute things to the Defendant which the Defendant
9 takes on himself, according to the witness, which may have
10 happened in some other way.

11 MR. BALAREZO: I understand that, your Honor, but,
12 again, it goes to his credibility.

13 He is saying my client told him, told the witness,
14 that the client's sons committed the murder. I have
15 information otherwise. He can deny it, he could accept it,
16 and we move on.

17 THE COURT: You have information that your client
18 did not tell him that his sons committed the murder?

19 MR. BALAREZO: No, I have information that the
20 murder was committed by people associated with him, which
21 would then make what he's saying about my client telling
22 him -- why would my client tell him the he committed a murder
23 that he didn't?

24 THE COURT: Maybe your client didn't know that it
25 was his people who committed the murder. That's all that

1 there it is.

2 You passed this witness yesterday. I'm willing to
3 let you clean up things that you might have rushed through in
4 a few minutes, but this is really so far out on the branch
5 that I really -- I'm not going to let you go there.

6 MR. BALAREZO: Thank you.

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8 (Sidebar ends.)

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10 (EXCERPT continues on next page.)

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